

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S3/16/17  
**A Bill**

SENATE BILL 343

By: Senator B. King

### **For An Act To Be Entitled**

AN ACT TO AMEND THE AUTHORITY OF THE ARKANSAS TOBACCO CONTROL BOARD TO ASSESS CIVIL PENALTIES; TO MODIFY CIVIL PENALTIES FOR UNLAWFUL SALES OF TOBACCO PRODUCTS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE AUTHORITY OF THE ARKANSAS TOBACCO CONTROL BOARD TO ASSESS CIVIL PENALTIES; AND TO MODIFY CIVIL PENALTIES FOR UNLAWFUL SALES OF TOBACCO PRODUCTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 26-57-214(e), concerning penalties for doing business regarding tobacco products without a registration or license, is amended to read as follows:

(e) ~~Any~~ A person who pleads guilty or nolo contendere to or is found guilty of buying, selling, or otherwise doing business in cigarettes, tobacco products, vapor products, alternative nicotine products, or e-liquid products in this state without first obtaining the appropriate license or permit:

(1) May be fined not more than three (3) times the value of the tax that would have been owed on the cigarettes, tobacco products, vapor products, alternative nicotine products, or e-liquid products involved in the transaction; and

(2)(A) For a second or subsequent offense, if the offense involves unlawful conduct such as cigarette, tobacco product, vapor product, alternative nicotine product, or e-liquid product smuggling a person:



(i) For an offense committed negligently, as defined in § 5-2-202, is guilty of a Class A misdemeanor;

(ii) For an offense committed knowingly, as defined in § 5-2-202, is guilty of a Class D felony; and

(iii) For an offense committed purposely, as defined in § 5-2-202, is guilty of a Class C felony.

SECTION 2. Arkansas Code § 26-57-226 is amended to read as follows:  
26-57-226. Penalties.

~~Any~~ A person within the jurisdiction of this state who is not licensed to sell, deliver, or cause to be delivered tobacco products, vapor products, alternative nicotine products, or e-liquid products to consumers and who sells, takes orders from, delivers, or causes to be delivered immediately or in the future any tobacco products, vapor products, alternative nicotine products, or e-liquid products to consumers;

(1) May be fined not more than three (3) times the value of the tax that would have been owed on the cigarettes, tobacco products, vapor products, alternative nicotine products, or e-liquid products involved in the transaction; and

(2)(A) For a second or subsequent offense, if the offense involves unlawful conduct such as cigarette, tobacco product, vapor product, alternative nicotine product, or e-liquid product smuggling a person:

(i) For an offense committed negligently, as defined in § 5-2-202, is guilty of a Class A misdemeanor;

(ii) For an offense committed knowingly, as defined in § 5-2-202, is guilty of a Class D felony; and

(iii) For an offense committed purposely, as defined in § 5-2-202, is guilty of a Class C felony.

SECTION 3. Arkansas Code § 26-57-256(a)(5)(B)(ii) , concerning the power of the Arkansas Tobacco Control Board to assess civil penalties, is amended to read as follows:

(ii) In addition, the board may levy a civil penalty in an amount not to exceed ~~five thousand dollars (\$5,000) for each violation~~ three (3) times the value of the tax that would have been owed on the cigarettes, tobacco products, vapor products, alternative nicotine products,

or e-liquid products involved in the transaction against ~~any~~ a person or entity found to be in violation.

*/s/B. King*